## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

BOLIVAR STEWART TAYLOR,	)	
	)	
Plaintiff,	)	
vs.	)	No. 3:05-CV-2055-K
	)	ECF
JOSEPH HERRERA, et al.	)	
	)	
Defendants.	)	

## ORDER ACCEPTING THE ORAL FINDINGS AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

After reviewing all relevant matters of record in this case, including the Findings, Conclusions, and Recommendation of the United States Magistrate Judge, which were dictated into the record on January 25, 2008, the Transcript of the Motion for Summary Judgment Hearing, and Defendant's objections thereto filed on February 8, 2008, in accordance with 28 U.S.C. § 636(b)(1), the undersigned District Judge is of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court.

Accordingly, pursuant Defendants' Motion for Summary Judgment, filed on October 24, 2007, is **DENIED**. Plaintiff's Motion to Strike Affidavit of Joe B. Wiser; Motion to Strike

Affidavit of Joe S. Herrera; and Motion to Strike Affidavit of Jason A. Chapman, all filed on November 26, 2007, are hereby **DENIED** as moot.

This case will be set for jury trial by separate order.

SO ORDERED.

SIGNED this 24th day of February, 2008.

**ED KINKEADE** 

UNITED STATES DISTRICT JUDGE

Kinkeade